

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RICHARD ANDREW GEORGE,

Defendant.

CASE NO. 8:11CV56

TENTATIVE FINDINGS

The Court has received the Presentence Investigation Report ("PSR") and the Defendant's objections thereto (Filing No. 21). The Court advises the parties that these Tentative Findings are issued with the understanding that, pursuant to *United States v. Booker*, 543 U.S. 220 (2005), the sentencing guidelines are advisory.

The Defendant objects to the classification of the Defendant as a Tier III sex offender in ¶¶ 16 and 26 of the PSR. The basis of the objection is not apparent. Nevertheless, the objection will be heard at sentencing.

IT IS ORDERED:

1. The Defendant's objections to ¶¶ 16 and 26 of the PSR (Filing No. 21) will be heard at sentencing;

2. If **any** party wishes to challenge these tentative findings, the party shall immediately file in the court file and serve upon opposing counsel and the Court a motion challenging these tentative findings, supported by (a) such evidentiary materials as are required (giving due regard to the requirements of the local rules of practice respecting the submission of evidentiary materials), (b) a brief as to the law, and (c) if an evidentiary hearing is requested, a statement describing why an evidentiary hearing is necessary and an estimated length of time for the hearing;

3. Absent submission of the information required by paragraph 2 of this Order, my tentative findings may become final; and

4. Unless otherwise ordered, any motion challenging these tentative findings shall be resolved at sentencing.

DATED this 1st day of September, 2011.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge